/198 cont./

2. Letting-Out-the-Ku Magic

754 /199/ Ku poisoning is very ancient. Ch'un-ch'iu Tso-chuan /Commentary on the Spring and Autumn Annals/, first year of Chao: "To put insects in a vessel to get a ku, in order to cause illness." It can be seen that more than 2,000 years ago the business of ku poisoning already was in existence. Cheng Ch'iao of the Sung dynasty in the section "Liu Shu Liao" of his T'ung-chih records the method of making ku, saying: "A hundred insects are put in a vessel and allowed to devour each other. The one left is the ku." It has always been against the law to practice this. The old Criminal Code had an article relating to "the manufacture of [illegible] poison." But it is still secretly practiced today among the Miao. Volume 7 of Kan-chou t'ing-chih states: "Miao women can kill people by ku witchcraft. It is called "letting out the grass kuei." They let them out when they are at odds with someone. If they are let go on the outside of the body, they eat up the five constituents of the human frame /muscles, veins, flesh, bones, skin and hair/. When they are let out inside the body, they consume the five inward parts, or organs. The victim suffers either agonizing pain, or becomes listless, or his skin will swell, or he will feel suffocated, all means of bringing him to death. A month before his death the victim sees the soul of the person who set the ku on him coming from behind to give him something, which is called "the hastening medicine." If the sick person cannot be cured within a month he dies. It is said that either a man or a woman can learn this. It is necessary to set up an altar secretly, and to raise a few tiny shrimps in a small earthen jar filled with water. It should be buried in the earth beneath a bed in a dark room, or under a rock in an isolated path in a remote mountain. If this earthen jar is found by someone and burned, then the practitioner of this ku witchcraft will also die. When sending forth the ku one may use one, two, three, or four fingers. The poison from one or two fingers is relatively easy to overcome;

[671] [683] [776] [124] [753] [787]

4:Mickey E-5 (1940-?) 1947 AE5 Miao AE5

timber into agricultural implements, and did so. I have never found out what the truth of the matter was, but the Miao lost his case because the *hsien* judge found that his witnesses had not told the truth at other points.

Another case was that of a Miao who had become so angry at his wife that he had her jailed. Her relatives wanted to have her released so that her child need not be born in prison. The husband had disappeared and could not be found to ask him to change his mind. I wrote to the magistrate in the next *hsien*, and after his condition that some merchant in the city go surety for her was met, she was released.

A family in Shang-sai wished to build a house. The head of the family borrowed money from his brother. This brother later brought suit for the return of some of the loan. This was paid at the *hsien* offices on the day set, but the brother did not appear to receive it. Later the family who had received the loan sued the brother for the expense to which they had been put because of his failure to come and receive the payment on the day set.

These, of course, were only a few of the disputes which arose in the village or among the whole group of Cowrie Shell Miao. Most small matters were settled among themselves. Much of the old man's time was taken up with such cases. Sometimes others of the village elders were called in for consultation. This was according to the Chinese Government system, though in effect this formed the village government, or council. If matters could not be settled by them, they were taken before the *lien pao* official, and, if necessary, to the *hsien* magistrate.

Economic Institutions. Within Cowrie Shell Miao society there were no specific economic institutions. Families formed economic units, and as such carried on trade with Chinese merchants and rice brokers in the *hsien* city. Just inside the walls were a few tea-shops owned by city-dwelling Cowrie Shell Miao, conveniently situated for visiting country kinfolk to gather before they returned to their villages from market. The shop keepers were gardeners and farmers as well, and much of their trade was really a form of family visits. In their shops, as well

as the Miao cook tastes something like steamed sawdust. In the lean weeks, before the spring harvest ripens, potatoes form the staple food of large numbers of the people. They can usually afford to have with their meals pounded rock salt purchased from the Chinese, but at times even this becomes a luxury; sometimes so scarce that people fortunate enough to buy it will lick it much as a Western child will lick a barley sugar stick. Being neither handicraftsmen, traders nor shopkeepers, the majority of the Miao are miserably poor. Their laws are those of the Chinese Government, and for money they use whatever is in currency amongst the Chinese. The old men of a neighbourhood are the rulers. One and all clothe themselves with homespun, and it is part of a woman's work to weave all the clothes necessary for herself, her husband and her children. This is no light task. The women have very much more work to do than men. They weave the clothes, carry the water, collect fire-wood, assist in the farm work and bear innumerable children, and so well do they manage this that a majority of the mothers are up and about the house a day after giving birth to a babe. Their clothing is distinct and different from Chinese dress. A man wears sandals, which he himself has made, short trousers reaching down to the knee, and a loose-fitting upper garment which is between a jacket and a gown. For head-dress he wears a turban made of a length of blue or white cloth. The women wear sandals, coloured puttees, and, scorning to wear trousers as Chinese women do,

occasionally one meets a *t'u-muh* who is humane, the records of the others would not bear investigation. Oppressing the Miao, these *t'u-muh* exacted from them such heavy rents that it was impossible for them to make any progress. In one case it was calculated that each Miao tenant gave one hundred days' labour per year. A Miao could never get any redress, since in Manchu days, even if a Miao had dared to sue for justice, the law was always on the side of the rich, as is suggested by the Chinese proverb: "The doors of the law courts are always open; but if you only have right on your side, and not money, don't enter them."

If a Miao were lucky enough to breed a good foal, the *t'u-muh* would demand it; were he sufficiently thrifty to save a little *sycee*, the *t'u-muh* would find ways and means of getting hold of it; were his cattle to increase, the *t'u-muh* would trump up an excuse for inordinate extortion. The stories told of these overlords bear witness to the degrading effects that absolute authority and tyranny may have on a man. There were two brothers, both *t'u-muh*, and the younger, who was unmarried, was suspected by his elder brother of becoming too fond of his wife. On account of this, the elder brother arranged with a Szechuan boxer to murder his brother, for which the award was to be two hundred dollars. In course of time the brother was murdered and the boxer came for his promised recompense, but instead of being paid, he was trussed up like a pig and offered as a human sacrifice at the grave of the murdered younger brother to appease,

8: Graham E-5 (1921-1936) 1937 AE5 Miao AE5

769 Filial piety is the cardinal virtue and one of the main duties of a child is to commemorate and make offerings to his departed ancestors. All the memorial festivals but one are for this purpose and in all the seasonal festivals or those that come on regular dates throughout the year, offerings are made to the ancestors and they are commemorated in the usual way.

421 All property, such as tools, weapons, furniture, domestic animals, money, houses and fields, belongs to the family and after the death of the parents, when the family is broken up, it is divided among the sons of the deceased. Such things as clothing and personal ornaments belong to individuals.

• 671 Among the Ch'uan Miao there are no written laws. The customs and habits of the group are the laws and what is customary is right. Crimes are infractions against the customs or mores of the group.

619 622 There is no tribal organization. That is, there is no political organization that extends throughout the entire ethnic group. A locality may elect a headman, called a gy lʌu or old club, and the headmen of several different districts may cooperate for the general good, but the headmen are not bound together by an organization affecting the entire Ch'uan Miao region. If the Ch'uan Miao are a tribe, it is because they are physically related and have a common language, common customs, common ideals, and a common culture. These bind the people together more securely than could any political organization.

627 Minor offences may be settled between the two persons concerned. When this cannot be accomplished, the families of the two persons endeavor to solve the difficulty. In more weighty and difficult matters, the local headmen or a number of the older people of the district are called in. It is said that only one or two per cent of the worst cases are taken to the Chinese courts. The reasons are not far to seek. Litigation in Chinese courts is expensive and a Miao, since he is a member of a different race, is likely to be discriminated against. In addition he is at a disadvantage because he cannot read Chinese characters.

681 An offence or a grievance may be settled or recompensed for by the gift of a chicken, a duck, a pig, a goat or sheep, a cow, or some other object. Sometimes a beating is administered and sometimes the death penalty is exacted. It may be carried out by throwing the guilty party over a cliff or down a natural pit into the earth.

AKha AO4
Miao AE5

/251 cont./

A 689 Lying is forbidden, to be sure, as it is among the Meau, but it is not punished, as it is among them. Similarly the Akha A 684 do not have any penalties for rape. The reason for this is the same as among the Meau.

A 685 A person convicted of theft simply has to return the stolen goods. If he has denied the theft, however, he must restore twice as much. In the case of arson, too, the perpetrator must simply make good the full damage.

A 683 /252/ The same holds true for bodily injury; in addition the perpetrator must fully provide for the injured for the duration of any ensuing reduction of his ability to work.

A 684 For violation of the rather broadly conceived incest prohibitions, the male partner must pay to the female partner ten to fifteen pieces of silver "for compensation," as it is expressed. I have already discussed in detail the punishment for adultery in the chapter, "Life in the Community," section on "Dissolution of Marriage."

A 681 Habitual criminals of any kind are banished, but not killed.

d) Jurisdiction

A M 671 648 692 The mountain peoples are subject to the laws of the colonial powers in whose territory they happen to be. Thus, the Meau of China are subject to Chinese jurisdiction and those of Tonkin to French-Indochinese jurisdiction, as is also shown in the works of Abadie (1) and Lajonquière (2). Accordingly, the

1. Page 163.

2. II, p. 321.

Meau and Akha of Thailand are subject to the laws of Thailand, and those of Kengtung to the laws of the Schan /Shan/.